

DAC #



PATENT
29250-000149/US

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: Alex MATUSEVICH
APPL. NO.: 09/156,761
FILED: September 18, 1998
FOR: TDMA COMMUNICATION SYSTEM AND METHOD INCLUDING
DISCONTINUOUS MODULATION FOR REDUCING ADJACENT
AND CO-CHANNEL INTERFERENCE

**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. §1.137(b)**

ATTENTION: OFFICE OF PETITIONS

Assistant Commissioner for Patents
Washington, D.C. 20231

May 16, 2003

Sir:

The above-identified application became abandoned for applicant's unintentional failure to timely respond throughout duration of entirety to the Examiner's Final Office Action dated July 9, 2002.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition Fee

_____ Small Entity - fee \$_____ (37 CFR 1.17(m))
_____ Small Entity Statement enclosed herewith.
_____ Small Entity Statement previously filed.
X Other than Small Entity - fee **\$1,300.00** (37 C.F.R. 1.17(m))

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MAY 20 2003

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05/19/2003 NDAHTE1 00000067 09156761

01 FC:1453

1300.00 OP

2. Reply and/or Fee

A. The filing fee (no reply is necessary) of \$1,300.00:
_____ has been filed previously on _____
X is enclosed herewith.

B. The issue fee of \$ _____
_____ has been paid previously on _____
_____ is enclosed herewith.

3. Terminal Disclaimer with disclaimer fee

____ Since this utility/plant application was filed on or after
June 8, 1995, no terminal disclaimer is required.

____ A Terminal Disclaimer (and disclaimer fee (37 CFR 1.20(d)) of
\$ _____ for a small entity or _____ for other than a small
entity) equivalent to the number of months from
abandonment to the filing of this petition.

4. Statement. The entire delay in filing the required reply from the due
date for the reply until the filing of a grantable petition under
37 CFR 1.137(b) was unintentional.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future
replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any
additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension
of time fees.

May 16, 2003
Date

(703) 668-8000
Telephone Number


Signature

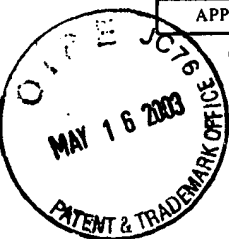
Timothy Wyckoff, Reg. No. 46,175
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

Enclosures: Copy of Notice of Abandonment
Fee Payment



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/156,761	09/18/1998	ALEX MATUSEVICH	2925-149P	1477

30594 7590 02/06/2003

HARNESSE, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER

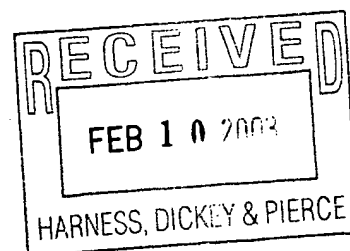
KWOH, JASPER C

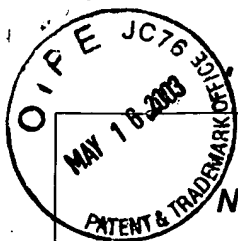
ART UNIT PAPER NUMBER

2663

DATE MAILED: 02/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.





Notice of Abandonment

Application No.

09/156,761

Examiner

Jasper Kwoh

Applicant(s)

MATUSEVICH, ALEX

Art Unit

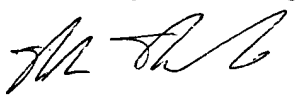
2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 09 July 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Called applicant, and Gary Yacura, Reg. No. 35,416 said no response was filed.


MELVIN MARCELO
PRIMARY EXAMINER


Jasper Kwoh
Examiner
Art Unit: 2663

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Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.